

Baker & Hostetler LLP

45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan, Esq.
Nicholas J. Cremona, Esq.

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and for the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and Bernard L.
Madoff,

Plaintiff,

v.

DAVID SHAPIRO NOMINEE 3,

and

DAVID SHAPIRO, individually and as president
and nominee of David Shapiro Nominee 3,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04314 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL OF
ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), by and through his counsel, Baker & Hostetler LLP, and defendants David Shapiro and David Shapiro Nominee 3 (collectively, “Defendants”), by and through Defendants’ surviving daughter Deborah Shapiro, as Executrix of David Shapiro’s November 2008 Last Will and Testament, (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On November 26, 2010, the Trustee filed and served the Complaint in which the Defendants were named as defendants.
2. On March 17, 2015, Defendant David Shapiro died.
3. On August 13, 2015, Defendants filed and served an answer on the Trustee.
4. Deborah Shapiro, surviving daughter of David Shapiro, as Executrix of David Shapiro’s November 2008 Last Will and Testament, negotiated a settlement on behalf of the Defendants and herself.
5. Pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [Dkt. No. 3181], the Parties entered into a Settlement Agreement and Release on September 25, 2018.
6. In accordance with Federal Rule of Bankruptcy Procedure 7041, and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of the Trustee’s claims against Defendants in the above-captioned adversary proceeding.
7. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties

of interest.

8. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

9. The Bankruptcy Court shall retain jurisdiction over this Stipulation.

BAKER & HOSTETLER LLP

By: /s/ Nicholas J. Cremona
David J. Sheehan, Esq.
Email: dsheehan@bakerlaw.com
Nicholas J. Cremona, Esq.
Email: ncremona@bakerlaw.com
45 Rockefeller Plaza
New York, New York 10111

*Attorneys for Plaintiff Irving H. Picard,
Trustee for the Liquidation of Bernard L.
Madoff Investment Securities LLC and for
the Estate of Bernard L. Madoff*

KLESTADT WINTERS LLP

By: /s/ Brendan M. Scott (per email auth.)
Brendan M. Scott, Esq.
Email: bscott@klestadt.com
200 West 41st Street, 17th Floor
New York, New York 10036-7203

*Attorney for Deborah Shapiro, surviving daughter
of David Shapiro, as Executrix of David
Shapiro's November 2008 Last Will and
Testament*

SO ORDERED.

Dated: October 30, 2018
New York, New York

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE